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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,450	02/28/2002	Jui Liang	P 0272274	6685

909 7590 04/27/2004

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MCLEAN, VA 22102

EXAMINER

TRAN, HENRY N

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 04/27/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,450

Applicant(s)

LIANG, JUI

Examiner

HENRY N TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>16</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the amendment received 2/10/04 (Paper No. 14). The amendments to the claims have been entered. Claims 1-57 are still pending in this application. Applicant's remarks were considered, with the results set forth as following.

Information Disclosure Statement

1. The examiner has considered the information disclosure statement (IDS) received 2/10/04 (Paper No. 16) (see the attached form PTO-1449).

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The following new terms appearing in the amended claims 1, 12, 21, 31, 38 and 44 have no clear support or antecedent basis in the specification.

“a selected one of a predetermined plurality of reading frequencies” and “different one of the predetermined plurality of reading frequencies” or “to a different one of the predetermined plurality of reading frequencies” (claims 1 and 12);

“a display frequency selected from a predetermined plurality of display frequencies” and “to a different one of the predetermined plurality of display frequencies” (claims 21 and 38);

“a reading frequency selected from a predetermined plurality of display frequencies” and
“to a different one of the predetermined plurality of reading frequencies” (claim 31); and

“a frequency of the display signal is selected from a predetermined plurality of display frequencies” (claim 44).

Upon reviewing the specification, the examiner has determined that the new terms have not been explicitly and clearly described.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed terms, which were identified in section 2 above, render subject matter, which was not described in the specification.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 6-9, 12 and 15-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Stern et al. (U.S. Patent No. 4,941,156, hereinafter referred to as "Stern") as recited in the prior Office action mailed 9/10/03.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 2-5, 10-11, 13-14 and 21-57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Felts, III et al (U.S. Patent No. 6,581,164, hereinafter referred to as Felts, III) as recited in the prior Office action mailed 9/10/03.

Response to Arguments

9. Applicant's arguments filed 2/10/04 have been fully considered but they are not persuasive because of the following reasons.

10. Regarding applicant's arguments provided for claims 1 and 12, which were rejected under 35 USC § 102 (see pages 12-13 of the amendment):

Applicant argued that Stern fails to teach comparing the read and write pointers, see page 12 of the amendment. The examiner respectfully disagrees because Stern teaches exactly that. Specifically, Stern teaches: "Circuitry is provided for determining the difference between the Read and Write pointers", see col. 2, lines 4-6.

Applicant argued that Stern fails to disclose reading data from the buffer at a selected frequency, or changing a reading frequency to a different one of a predetermined plurality of

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frequencies. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies has no clear support in the written description; i.e., changing a reading frequency to a different one of a predetermined plurality of frequencies is nowhere found in the specification. It is noted that the new terms appearing in the amended claims must have clear support or antecedent basis in the specification. This is necessary in order to ensure certainty in construing claims in the light of the specification (see section 2 discussed above).

11. Regarding applicant's arguments provided for claims 2-5, 10, 11, 13, 14 and 21-57, which were rejected under 35 USC § 103 (see pages 13-14 of the amendment):

Applicant argued that Stern fails to disclose changing a reading frequency or display frequency to a different one of a predetermined plurality of frequencies, based on values of write and read pointers or on an amount of video data not yet read; and Felts also fails to teach or disclose elements of applicant's claims such as a predetermined plurality of reading or display frequencies. The examiner respectfully disagrees because Stern specifically teaches "Circuitry is provided for determining the difference between the Read and Write pointers", see col. 2, lines 4-6; and the display frequency or read frequency associated with the read clock is controlled or changed based on the difference between the read and write pointer, see Stern, col. 2, lines 7-14; also, Felts reference is relied for other claimed limitations not as argued by the applicant, see pages 3-4 of prior Office action; also further, "a different one of a predetermined plurality of frequencies" or "a predetermined plurality of reading or display frequencies" are new matters, which have no clear support in the specification.

Therefore, Claims 1-57 stand rejected.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HENRY N. TRAN** whose telephone number is 703-308-8410. The examiner can normally be reached on Mon – Fri from 8:00AM – 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A. HJERPE**, can be reached at 703-305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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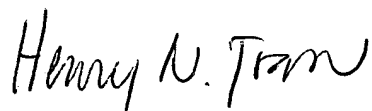
Washington, D.C. 20231

or fax to:

703-872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is 703-306-0377.



HENRY N. TRAN
Examiner
Art Unit 2674

Hnt
April 22, 2004